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11 VNGR BEVERAGE, LLC d/b/a POPPI

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14
15 In re VNGR BEVERAGE, LLC
16 LITIGATION

Case No. 4:24-cv-03229-HSG

CLASS ACTION

JOINT STIPULATION TO STAY PROCEEDINGS

17
18 This Document Relates to:
Case No. 4:24-cv-03612-HSG
19 Case No. 4:24-cv-06666-HSG

Dept: Courtroom 2
Judge: Judge Haywood S. Gilliam, Jr.

Pursuant to Civil Local Rule 7-12, Plaintiffs Kristin Cobbs, Carol Lesh, Sarah Coleman, and Megan Wheeler (“Plaintiffs”) and Defendant VNGR Beverage, LLC d/b/a Poppi (“Defendant” or “Poppi,” and together with “Plaintiffs,” the “Parties”) hereby jointly stipulate and agree as follows:

1. WHEREAS, the above consolidated action, *In re VNGR Beverage, LLC Litigation*, Case No. 4:24-cv-03229-HSG (ECF No. 1, the “Consolidated Action”) is presently pending before the Court;

2. WHEREAS, on August 20, 2024, Plaintiffs filed a Second Amended Consolidated Complaint (“SAC”) (ECF No. 35);

3. WHEREAS, on September 23, 2024, Poppi filed its Motion to Dismiss the SAC, which was initially scheduled for a hearing before this Court on December 5, 2024 at 2:00 p.m. (ECF No. 37);

4. WHEREAS, on October 21, 2024, the Court granted the Parties’ Joint Stipulation to Continue the Motion to Dismiss Hearing to December 19, 2024 at 2:00 p.m. (ECF No. 42);

5. WHEREAS, on December 4, 2024, the Parties attended a private mediation with the Honorable Judge Jay C. Gandhi (Ret.) and subsequently have continued to discuss a potential resolution of the Consolidated Action;

6. WHEREAS, on December 6, 2024, the Court vacated the December 19, 2024 hearing (ECF No. 47); and

7. WHEREAS, the Parties have reached a resolution in principle and agree that a stay of sixty (60) calendar days would provide the Parties with additional time to finalize and execute a formal class settlement agreement, as well as preserve judicial resources given Defendants’ pending Motion to Dismiss.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties hereto, through their undersigned counsel, as follows:

1. The Consolidated Action is stayed for sixty (60) calendar days.

2. This Stipulation shall not preclude or prevent the Parties from stipulating to, or moving for, a court order lifting, modifying or extending the terms of this Stipulation upon a showing of good cause.

3. The Parties are not waiving any rights, claims, or defenses of any kind except as expressly stated herein, and the Parties reserve the right to seek relief from the stay as circumstances may warrant, subject to the Court's approval.

Dated: December 13, 2024

COOLEY LLP

/s/ Michelle C. Doolin

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Dated: December 13, 2024

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Co-lead Interim Class Counsel

ATTESTATION OF CONCURRENCE IN FILING

Pursuant to the United States District Court for the Northern District of California, Civil L.R. 5-1(i), I, Michelle C. Doolin, hereby attests that the concurrence to the filing of the foregoing document has been obtained from the signatories.

Dated: December 13, 2024

COOLEY LLP

/s/ Michelle C. Doolin

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VNGR BEVERAGE, LLC d/b/a POPPI

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Court, having considered the parties' Joint Stipulation to Stay Proceedings, pursuant to Civil Local Rule 7-12, the Court hereby grants a stay of sixty (60) calendar days of this Consolidated Action.

Dated: _____, 2024

By: _____
Judge Haywood S. Gilliam, Jr.